

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL DIETZ,

Defendant.

CR-07-24-H-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 16, 2021. (Doc. 76.) Daniel Dietz (Dietz) filed an objection on December 28, 2021. (Doc. 77.) The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Johnston conducted a revocation hearing on December 14, 2021. (Doc. 75.) The United States accused Dietz of violating his conditions of supervised release by 1) failing to provide a truthful response to a question asked by his probation officer on two separate occasions; 2) by knowingly associating with a convicted felon; 3) by having contact with a child under the age of 18 without obtaining the prior approval of his probation officer; 4) by failing to report

to his probation officer that he had contact with a child under the age of 18; and 5) by violating the terms of his sex offender treatment program on two separate occasions. (Doc. 62.) At the revocation hearing, Dietz admitted to violating the terms of his supervised release 1) failing to provide a truthful response to a question asked by his probation officer on two separate occasions; 2) by knowingly associating with a convicted felon; 3) by having contact with a child under the age of 18 without obtaining the prior approval of his probation officer; and 4) by violating the terms of his sex offender treatment program on two separate occasions (Doc. 75.) Judge Johnston found the violations Dietz admitted are serious and warrants revocation of Dietz's supervised release. Judge Johnston recommended Dietz be incarcerated for 6 months, with a lifetime of supervised release to follow. Judge Johnston also recommended that Dietz serve his term of custody at FCI Englewood in Colorado. (Doc. 76.) Dietz was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 75.)

Dietz now opposes Judge Johnston's Findings and Recommendations, objecting to the length of his sentence of imprisonment and to the term of his supervised release. (Doc. 77.)

The Court has reviewed Judge Johnston's Findings and Recommendations as well as Dietz's objection. The undersigned conducted a revocation hearing on January 5, 2021. (Doc. 79.) Dietz and his attorney were allowed to allocute before

the undersigned. (*Id.*) The Court has also considered the 18 U.S.C. § 3553(a) factors and agrees with Judge Johnston's Findings and Recommendations.

Dietz's violations of his conditions of supervised release represents a serious breach of the Court's trust. This violation proves serious. Judge Johnston has recommended that the Court revoke Dietz's supervised release and commit him to the custody of the Bureau of Prisons for 6 months at FCI Englewood. Judge Johnston further recommended a lifetime of supervised release to follow. (*Id.*) Accordingly,

IT IS HEREBY ORDERED that Dietz's objection is denied. Judge Johnston's Findings and Recommendations, (Doc. 76) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant be sentenced to the custody of the Bureau of Prisons for 6 months, with a lifetime of supervised release to follow. Deitz should serve his term of custody at FCI Englewood.

DATED this 5th day of January, 2022.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court